

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MV3 PARTNERS LLC,

Plaintiff,

v.

ROKU, INC.,

Defendant.

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Civil Action No.: 6:18-cv-308-ADA

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Scheduling Order (D.I. 51) entered in this action, Plaintiff MV3 Partners LLC (“MV3”) and Defendant Roku, Inc. (“Roku”) submit this Joint Claim Construction Statement. The patent involved in this case is U.S. Patent No. 8,863,223 (“the ’223 Patent”), attached as Exhibit A. The ’223 Patent claims that are asserted in the above-referenced case are claims 1-3, 5, 6, 15, 21, 23, 25, 29-35, 37, 38, 47, 53, 55-57, 59, and 61.

I. AGREED CONSTRUCTIONS, POINTS OF AGREEMENT AND REQUEST FOR DETERMINATION AS PART OF MARKMAN PROCESS

There are no claim terms on which the parties agree as to construction.

II. LIST OF DISPUTED TERMS FOR CONSTRUCTION

The parties provide the following list of disputed terms for construction:

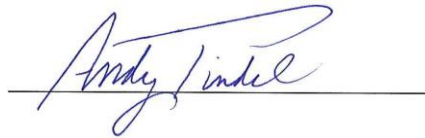
Claim Term	MV3’s Proposed Construction	Roku’s Proposed Construction
“accepted in” (Claims 1 and 32)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “connected through a wired or wireless connection”	“held in”
“configured to accept” (Claims 1, 23, 32, and 55)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “capable of connecting through a wired or wireless connection”	“designed to hold”
“adaptive circuitry” (Claims 1, 30, 32)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “circuitry that is adapted to process the media content transmitted from unicast and multicast broadcasts”	“a circuit that adjusts the operational characteristics of its components based on changes in its input signal”
“determining the native display resolution of the	No construction necessary. Alternatively, the following is	“using the particular data provided by the display device

second size format of the display device based on a response resulting from the query of the display device” (Claims 1 and 30)	provided in the event the Court determines a construction is necessary: “determining the maximal allowed display resolution of the second size format of the display device based on a response resulting from a request for information from the display device”	to calculate the number of physical horizontal and vertical pixels in the screen of the display device”
“television signal” (Claims 1 and 30)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “signal used to convey television content over a communication network such as broadcast, cable, satellite, and Internet networks”	“audio, video, and, optionally, data signals for broadcasts over the air, by satellite, and by cable over a range of frequencies”
“determining, based on the validity of the user, that the received first media content is permitted to be provided to the display device” (Claims 1, 30, and 32)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “determining based on the validity of the user that the received first media content is allowed to be provided to the display device”	“establishing whether the first media content is permitted to be provided to the display device after verifying the validity of the mobile computing device user”
“docking port” (Claims 1, 30, and 32)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “hardware and/or software that enables a wired or wireless connection”	“physical interface into or on which another component may be placed”
“mobile set top box” (All asserted claims)	No construction needed as the preamble is not limiting. Even if the Court finds the preamble to be limiting, no construction is necessary and the term should be given its plain and ordinary meaning.	“a device that converts an input television signal to an output signal to a television set and also permits content from a mobile computing device to be displayed on the same display device to which the device is connected”

	Alternatively, the following is provided in the event the Court determines a construction is necessary: “hardware and/or software that combines the functionality of a set top box and a mobile communication system”	
“multicast broadcasts” (Claims 1, 30, and 32)	No construction necessary. Alternatively, the following is provided in the event the Court determines a construction is necessary: “communication to more than one recipient”	“transmitting simultaneously from a single sender to more than one recipient”

Dated: July 3, 2019

RESPECTFULLY SUBMITTED,



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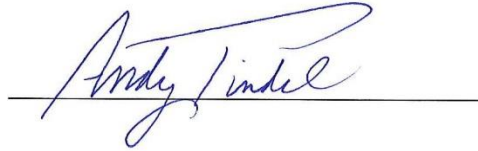
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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was served or delivered electronically via U.S. District Court [LIVE] — Document Filing System, to all counsel of record, on this 3rd day of July, 2019.

A handwritten signature in blue ink, reading "Andy Tindel", is written over a horizontal line.

Andy Tindel